

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: April 20, 2023

1. CRM-M-52555 of 2018

Gaurav Kumar ...Petitioner
Versus
State of Punjab and another ...Respondents

2. CRM-M-23797 of 2019

Karandeep ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Umesh Kumar Aggarwal, Advocate
for the petitioner(s).

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Vaibhav Narang, Advocate for respondent
No.2 in CRM-M-52555 of 2018.

Mr. Alok Mittal, Advocate for respondent No.2
in CRM-M-23797 of 2019.

DEEPAK GUPTA, J.(Oral)

Prayer in both the petitions mentioned above is to quash FIR
No.1742 dated 05.10.2018 registered at Police Station Anti Power Theft
(ATP) District Amritsar under Sections 138 and 140 of Electricity Act,
2003 and all consequential proceedings arising therefrom.

2. Allegations against the petitioner(s) are that being the
employees of fluent grid Company, they tampered the electricity meter of
a consumer, namely, Tarlok Singh and caused financial loss to the

Electricity Board.

3. Although this petition for quashing was filed on different grounds as mentioned therein but before this Court, it is urged that a new ground has emerged in favour of the petitioner(s) to quash the proceedings inasmuch a period of more than three years has elapsed but challan has not been filed till date and so Magistrate cannot take cognizance of the offence in view of the bar placed under Section 468 of Cr.P.C.

4. Learned State Counsel along with counsel for respondent No.2 – complainant do not dispute the factual position that till date, challan has not been filed.

5. Offence under Section 138 of the Electricity Act, 2003 regarding interference with meters or works of licensee is punishable with maximum sentence of three years; whereas Section 140 of the Electricity Act, which provide penalty for intentionally injuring works provides for punishment of fine upto ₹10,000/-. Thus, the maximum punishment for the offences allegedly committed by the petitioners is three years imprisonment.

6. Section 468 of the Code of Criminal Procedure reads as under:-

“468. Bar to taking cognizance after lapse of the period of limitation.

[\(1\)](#) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub- section (2), after the expiry of the period of limitation.

[\(2\)](#) The period of limitation shall be-

[\(a\)](#) six months, if the offence is punishable with fine only

1. Provisions of this Chapter shall not apply to certain economic offences, see the Economic Offences (Inapplicability of Limitation) Act, 1974 (12 of 1974), s. 2 end Sch.

[\(b\)](#) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

[\(c\)](#) three years, if the offence is punishable with imprisonment for term exceeding one year but not exceeding three years.

[\(3\)](#) ¹ For the purposes of this section, the period of limitation in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

7. It is thus evident that period of limitation for taking cognizance of an offence, which is punishable upto three years imprisonment, is three years. No circumstance has been pointed out nor it is brought to the notice of this Court that any application has ever been moved before the Court of Area Magistrate for excluding any time for counting the limitation period as per Section 469 or 470 Cr.P.C.

8. FIR in this case was registered on 05.10.2018 and, thus, it is clear that a period of more than four years has elapsed but till date, challan has not been filed.

9. In view of the aforesaid factual and legal position, taking of the cognizance of the offences allegedly committed by the petitioners, has become barred by time in view of Section 468 Cr.P.C. Consequent thereto, FIR No.1742 dated 05.10.2018 registered at Police Station Anti Power Theft (ATP) District Amritsar under Sections 138 and 140 of

Electricity Act, 2003 and all consequential proceedings arising therefrom
are quashed.

April 20, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No